

1  
2  
3 BILL NO. G-95-06-10

4 GENERAL ORDINANCE NO. G- Witham

5 AN ORDINANCE amending the Thoroughfare  
6 Plan of the City Comprehensive ("Master")  
7 Plan by vacating a right-of-way thereof.

8 WHEREAS, a petition to vacate a right-of-way within the City of Fort Wayne (as  
9 more specifically described below) was duly filed with the City Planning Commission; and

10 WHEREAS, said Commission duly held a public hearing thereon; and

11 WHEREAS, said Commission has duly forwarded its recommendation to this body  
12 approving said petition, and this body having held a public hearing on said vacation as  
13 provided in I.C. 36-7-3-12; and

14 WHEREAS, this body concurs in the recommendation of the City Planning  
15 Commission.

16 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE  
17 CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. That the petition filed herein to vacate a right-of-way within the City  
19 of Fort Wayne, more specifically described as follows, to-wit:

20 Liberty Avenue from Lower Huntington Road to Waynewood Drive north  
21 property line.

22 and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master")  
23 Plan and is hereby approved in all respects.

24 SECTION 2. That this Ordinance shall be in full force and effect from and after  
25 its passage, any and all necessary approval by the Mayor.

26 Clitus R. Edwards  
27 COUNCILMEMBER

28 APPROVED AS TO FORM AND LEGALITY:

29 J. Timothy McCauley  
30 J. TIMOTHY MCCAULAY, CITY ATTORNEY

31 \*\* Public hearing to be held on \_\_\_\_\_,  
32 the \_\_\_\_\_ day of \_\_\_\_\_, 1995,  
in the Council Chambers.

\_\_\_\_\_  
Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Edwards,  
and duly adopted, read the second time by title and referred to the  
Committee on Legislation (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
M., E.S.T.

DATED: 6-13-95

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>LUNSEY</u>	_____	_____	_____	_____
<u>RAVINE</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: \_\_\_\_\_

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

BILL NO. G-95-06-10

REPORT OF THE COMMITTEE ON  
REGULATIONS  
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a  
right-of-way thereof

*For Withdrawal*

*Ref*

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Withdrawal*

DATED: 7-25-95

Sandra E. Kennedy  
City Clerk

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

5/10

RECEIVED FROM

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PAID BY: CASH ☐ CHECK ☒ M.O. ☐



# Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830  
Fort Wayne, IN 46802 / (219) 427-1140

I/We do hereby petition to vacate the following:

- ☐ Plat or portion of plat    ☐ Easement    ☒ Public Right-of-Way (street or alley)

More particularly described as follows:

Petition to vacate Liberty Street (Ave) From Lower Huntington  
Road to Waynewood Drive - (north property line).

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

Help ensure safety for St. Therese School (K-8) students.  
Facilitate pedestrian traffic between Church and Parish Office & Meeting Rooms.  
Provide additional space for possible construction of a new Church building.  
Incentive to give City right-of-way for left-turn lane on Lwr. H. Rd. Further  
(If additional space is needed please attach a separate page) east onto Church  
property.

Property owner(s) name(s): St. Therese Catholic Church

Street Address: 2304 Lower Huntington Road

City: Fort Wayne State: IN Zip: 46819 Phone: 747-9139  
(If additional space is needed please attach a separate page)

Applicants Name (if different from above): \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Michael J. Rossurum Michael J. Rossurum May 4, 1995  
Signature Printed Name Date

Pastor, St. Therese Church

2304 Lower Huntington Rd.  
Address

Fort Wayne, IN. 46819  
City/state/zip

Signature

Printed Name

Date

Address

City/state/zip

Agents Name (Please print legibly):

Rev. Michael Rosswurm

Street Address:

2304 Lower Huntington Rd.

City:

Ft. Wayne

State:

IN

Zip: 46819

Phone:

747-9139

**NOTICE:**

- Legal descriptions to plat the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owners' signatures must accompany this application. \*
- Applicant must pay the cost of a utility being located in a public way or easement, the applicant must pay the cost of relocation, or of providing a replacement easement or easement.
- Applicant must certify that the vacation of a subdivision plat does not necessarily vacate any dedicated utility easement(s) or utility easement(s), nor any restrictive covenants that may apply.

For C

Re

Date Filed:

Map

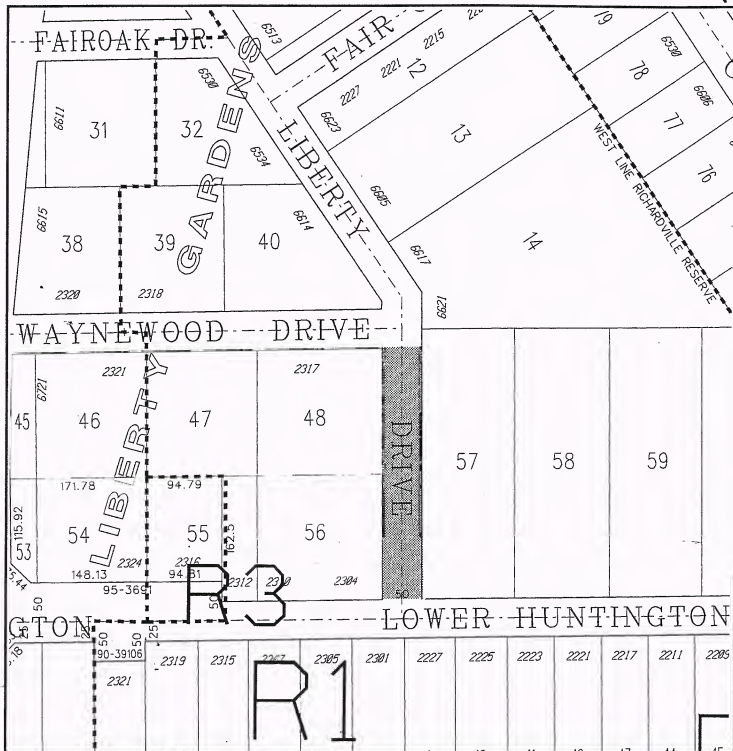
Reference #:

\* St. Therese Church owns the property on both sides of Liberty Street from Lwr. Huntington Rd. to Waynewood Dr.

# VACATION PETITION

## AREA MAP

CASE NO. #584



COUNCILMANIC DISTRICT NO. 4

Map No. J - 27

LW 5-22-95

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		

## RESOLUTION OF RIGHT-OF-WAY VACATION ORDINANCE RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on June 13, 1995 referred a proposed right-of-way vacation to the City Plan Commission which proposed ordinance was designated as Bill No. G-95-06-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 19, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property will be affected in a substantially adverse manner;
- (3) the need for the vacation does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 26, 1995.

Certified and signed this  
7th day of July 1995.



Carol Kettler Sharp  
Secretary



Saint Therese Church  
2304 Lower Huntington Road  
Fort Wayne, Indiana 46819  
219-747-9139

June 28, 1995

Mr. Pat Fahey  
City Plan Commission  
One Main Street  
Room 830  
Fort Wayne, Indiana 46802

Dear Mr. Fahey,

On May 4, 1995, in behalf of St. Therese Catholic Church, I submitted a petition to vacate Liberty Drive from Lower Huntington Road to Waynewood Drive.

Understanding that the Plan Commission has recommended that the City Council not grant this petition (#584), I hereby, on behalf of St. Therese Church, request that this petition now be withdrawn.

I appreciate your assistance in this matter and thank you for your work.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Rosswurm".

Rev. Michael J. Rosswurm  
Pastor



## MEMORANDUM

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**TO:** Sandy Kennedy  
City Clerk

**FROM:** Pat Fahey *P.F.*  
City Planning Department

**RE:** Request for withdrawal of a right-of-way vacation petition  
(a portion of Liberty Drive; Ordinance Number G-95-06-10)

**DATE:** July 19, 1995

Please be advised that subsequent to the Plan Commission's June 26, 1995 recommendation of "Do Not Pass" on the noted vacation request, the petitioner submitted the attached letter asking that the request be withdrawn from consideration by Council. Please feel free to call me at 427-1129 if you have any questions or need additional information on this item. Thank you.

# FACT SHEET

G-95-06-10

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

### DETAILS

#### Specific Location and/or Address

Liberty Drive North from Lwr Huntington  
Road to Waynewood Drive.

#### Reason for Project

Safety and future growth of St. Therese's  
Church

#### Discussion (Including relationship to other Council actions)

19 June 1995 - Public Hearing

See Attached Minutes of Meeting

26 June 1995 - Business Meeting

Motion was made and seconded to return  
the ordinance to the Common Council with  
a DO NOT PASS recommendation.

Of the six (6) members present, five (5)  
voted in favor of the motion, one (1)  
voted against the motion. Motion carried.

Members Present: James Hoch, Thomas Quirk,  
Dave Ross, Donald Schmidt, Carol Ketter  
Sharp, Mel Smith

Members Absent: Linda Buskirk, Ernest  
Evans, Vicky Verplanck

### POSITIONS

### RECOMMENDATIONS

#### Sponsor

City Plan Commission

#### Area Affected

City Wide

Other Areas

#### Applicants/ Proponents

#### Applicant(s)

St. Therese's Church  
City Department

Other

#### Opponents

#### Groups or Individuals

David Hart, 6617 Liberty Dr  
Dave Bates, 6411 Reserve Line  
Basis of Opposition  
-it would inconvenience the  
area considerably to have this  
portion of Liberty Dr closed.

#### Staff Recommendation

☐ For ☒ Against

Reason Against  
-Approval would not benefit the  
overall public good.

#### Board or Commission Recommendation

#### By

☐ For ☒ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

#### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other  
☐ Pass (as  
amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 10 May 1995

Projected Completion or Occupancy

Date 7 July 1995

Fact Sheet Prepared by

Patricia Biancaniello

Date 17 July 1995

Reviewed by



Date 19 July 1995

Reference or Case Number

ORIGINAL

ORIGINAL

## DIGEST SHEET

TITLE OF ORDINANCE Street Vacation OrdinanceDEPARTMENT REQUESTING ORDINANCE Land Use Management - C&EDSYNOPSIS OF ORDINANCE Vacation of Liberty Avenue from Lower  
Huntington Road to Waynewood Drive.95-06-10EFFECT OF PASSAGE Property is currently dedicated right-of-  
way. Property will be vacated and revert to the ownership of  
the adjacent property owners.EFFECT OF NON-PASSAGE Property will remain dedicated public  
right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_